Sankt. 71.27—45.00 —15-11-35.

L S G

(1936) Department.

Ms SERIES.

G.O. No. 7047.4

DATED 21-3-1936

[Despatch Abstract.]

Establishment - Hospet Municipality - N. Somayajulu - Ex-Sanitary Inspector - Appeal petition - Dismissed.

To,

The Secretary to the Government

LOCAL SELF GOVERNMENT,

Fort St' George,

MADRAS.

THROUGH

The Commissioner,

Hospet Municipal Council,

HOSPET.

SUBJECT. Appeal Petition of N. Somayazulu, Sanitary Inspector, Hospet Municipality, against the dismissal order of the Commissioner, Municipal Council, Hospet.

S I R,

The humble petition of N. Somayazulu, Sanitary Inspector, Hospet, showeth as follws:-

2. The appellant was permanent sanitary Inspector of the Hospet Municipality till 16-4-1935 on which date he was dismissed from service by the Commissioner Hospet Municipality (Vide Enclosure 11 D. Dis 178/35 dated 12-4-35)

3. The appellant was entertained in Local Board service in East Godavari in 1920 (pensionable) and since then had been working as Fist Class Vaccinator and Sanitary Inspector. His services were lent to the Hospet Municipality in 1930 as Sanitary Inspector in which post he was eventually confirmed. He has thus put in 15 years' service on the whole and 5 years in the Hospet Municipality alone.

4. The appellant stands dismissed from service on the pretext of the highly technical grounds of likely inability to liquidate the debts alleged to have

have been contracted by A

5. The Commissioner, Ho[illegible]et Municipality, issued a memo in CR. 128/33 dated 21-[illegible]35 directing the appellant to show cause within [illegible]ree days why he should not be dismissed from servi[illegible] for chronic indebtedness as per the provisions of the Municipal Servants' conduce Rules. (Vide Enclosure 1 C.R.128/33 dated 21-3-35).

6. The appellant submitted his explanation on 23-3-35 (Vide enclosure 2).

7. With reference to the paragraphs 5 & 6, the appellant begs to submit the following for the consideration of the benign Government in disposing of the appeal favourably.

i. In the Commissioner's memo C.R.128/33 (Enclosure 1) the appellant was given only three days time to submit his explanation. The appellant was not given any opportunity to defend himself.

ii. Theappellant is a member of an undivided joint family owning 13½ acres of Inam wet land and coccanut garden in the East Godavari Central delta which at the barest minimum at the present time is estimated at Rs.10,000/- (Vide Enclosure 18 a.b.c.d.e extracts from the village officers certificates).

iii. The appellant was not given any definite time within which the alleged debts are to be cleared. The whole memo and the proceedings of the Commissioner are based on presumptions of inability on the part of the appellant to discharge his debts.

iV. According to Rule 9 of model regulations relating to the personal conduce of Municipal servants recommended by the Government in G.O. No. 1458 L.M. dated 25th April 1932 and adopted by the Council in Resolution No. 228 dated 31-8-32 (Vide Enclosure 16 rule 9 of model regulations). The appellant was not given an opportunity to prove that the indebtedness

is the result of circumstances which the appellant could not have foreseen and over which he had no control and has not proceeded from extravagance and dissipated habits nor are they beyond his means and worth.

v. The appellant's pay was not under attachment for more than two years. He did not incur any debts within the Hospet Municipality. All the debts ennumerated in the memo C.R.128/33 dated 21-3-35 (Enclosure 1) and dismissal order D.Dis 178/35 dated 12-4-35 (Enclosure 11) were incurred prior to the year 1929 i.e., before the appellant was entertained in the Hospet Municipal service and before the issue and adoption of the Municipal Servants' Conduct Rules in September 1932.

vi. The appellant begs to submit that subsequent to the issue of the memo (enclosure 1) he put in an application for two months L.A.P. with a view to enable him to go to his native district and to raise the attachments and liquidate the debts (enclosure 3). He again put in another petition on 10-4-35 requesting for 6 months L.L.P. (enclosure 6 and 10). In his explanation dated 9-4-35 (enclosure 4) the appellant submitted to the Commissioner detailed history of the circumstances relating to the appellant's debts.

vii. The appellant did not incur any debts even for joint family management after 1929 since the marriages and education of the younger brothers and sisters were finished by then. The appellant's brother also submitted a statement dated 9-4-35 to the Commissioner, Hospet Municipality, stating that he belonged to a joint family the property of which was being managed by the eldest brother, the appellant (Enclosure 5).

viii. In C.R. 128 dated 10-4-35 the appellan was summoned for a judicial enquiry in connection wi the charge against him to be held by the Commissione on the same day at 4 P.M. This memo (enclosure7) reached the appellant at 2.20 P.M. on the same date. To this memo the appellant submitted that he had Sub Magistrate Court work on that day and that he would attend office if the Court work was over by 4 P.M. (Vide enclosure 8). The Court work being over by 4.10 P.M. the appellant presented himself before the Commissioner at 4.10 P.M. in the Muncipal Office. Thus there was hardly eough time for the appellant to settle his mind and prepare himself fo defence.

ix. The enquiry of the Commissioner is not in accordance with the principles of natural justic as required in the note under section 75 of the District Municipalitis' act. The appellant was not given opportumity to produce oral and documentary evidence for his defence.

x. It was stated in the memo C.R. 128 date 21-3-35 (enclosure 1) and dismissal order that it takes a longer period than 16 years to discharge all the debts and secondly that under ordinary circumst the debts cannot be repaid within a period of 2 yea The appellant begto submit that this is more a hypothetical construction because firstly he was n given a defenite time within which he has to liquid the debts and secondly even the period of 2 years f the date of the first attachment did not expire, th being yet 4 months time for the completion of 2 yea period and date of dismissal as per provisions of th Municipal Servants' Conduct Rules.

xi. Immediately after the dismissal the appellant went to his native place and in the course of the fortnight raised four decrees and attachments out of the five attachments, the one pending attachment relates to a sum of Rs.111-3-6 only as against the attachments to the extent of Rs.1950/- dismissal order. This attachment order could not be raised as the party was away and arragements are made for the payment of the sum by the appellant's ryot. (Vide enclosure 13, 14,15 Copies of letters from the pleaders and parties concerned). The formal orders of withdrawal reached the commissioner from the respective Courts. This shows clearly that the appellant's financial circumstances are not such as are magnified by the Commissioner in his memo and the dismissal order respectively. The total of the amounts attached is not correctly worked out and the amounts paid in instalments recovered from the appellant's pay have not been subtracted. As the property of the undivided joint family can be taken to be worth at Rs.10,000/-, the total attachments of nearly Rs.1,900/- are not such as to work upon the mental faculties of the appellant and deter him from the efficient discharge of his duties required on the part of the appellant, as is presumed by the Commissioner. The appellant also submits that he is the direct subordinate of and unde immediate control of the Municipal Health Officer who has not made any report against the appellant either with regard to the ordinary official duties or with regard to his personal behaviour and conduct and the whole action originated in the Municipal Office and culminated in the dismissal of the appellant in the course of three days within which the proceedings was started and finished.

8. The appellant begs to state

(1) that he was not given any leave even including casual leave (Vide item 3 under references in enclosure 11) though the Health Officer recommended it, to enable him to go to his native district and raise the attachments and settle up with his creditors.

(2) He was not afforded the opportunity to see whether he was capable of settleing the magnified liabilit

(3) He was not afforded sufficient opportunity and time to defend himself properly by adducing oral or documentary evidence at the personal enquiry of 10-4-35 which is in contravention of para 4 of G.O. 3600 / L & M laying down the rules relating to the punishments of Municipal subordinates (Vide enclosure 17 extract of para 4 of G.O. 3600).

(4) The appellant is the eldest member of a joint family owning a property valued at Rs. 10,000/-.

(5) The debts were not indurred for his personal benefits and in the locality of service. These were incurred by the joint family for the joint family purpos prior to the year 1929 i.e., before the appellant entere services in this Municipality prior to the adoption of Municipal Servants' Conduct Rules in September 1932.

(6) The orders of the Commissioner are based on one sided enquiry which could be evidenced from the has manner in which the proceedings were commenced and clos

9. In view of the circumstances narrated above and in view of the arrangements that have since been made as para 7 xi Page 5, the appellant humbly begs that the order dismissal of the Commissioner, Hospet Municipality, cancelled and the appellant be restored to service the date on which he was removed.

For this act of kindness the appellant ever feels grateful.

The appellant begs to remain,

Respected Sir,

Your Most obedient servant,

N. Doraiyappa

Anal Sau Dasp.

Dated, 12.10.35.

Address:-

C/o Post Master,

HOSPET.

Copy submitted to the Secretary, Local Self Government, Fort St, George, MADRAS, direct to save delay.

N. Doraiyappa

Anal Sau Dasp.

Ref:C.R.No.128/33.

Hospet Municipal Office,
Dated 21st March 1935.

Memorandum.

The pay of Mr. N. Somayazulu, Sanitary Inspector has been continuously under attachment since June 1933 towards S.C.No.477/32 on the file of the Subordinate Judge, Cocanada for a sum of Rs. 583-3-2. While this attachment is till pending the following three more attachments were received:-

1) S.C.No.531 of 1929 on the file of the District Munsif Cocanada for Rs.388-0-11.

2) S.C.No.473/1930 on the file of the Subordinate Judge, Rajamandry for Rs.147/13/2.

3) S.C.No.6760/33 on the file of the District Munsif, Pajole.

It takes a longer period than 10 years for him to discharge all his debts even though a moiety of his salary is continuously attached for the above period. Rule 9 of the Model Regulations relating to the personal conduct of officers and servants of Municipal Councils, recommended by the Government in their order No.1658, L & M., dated 25th April 1932 and adopted by the Municipal Council in Resolution No.228, dated 31-8-1932 lays down that when a moiety of the salary of an officer is attached for a sum, which under ordinary circumstances cannot be repaid whichin a period of 2 years he will be considered liable for dismissal. Further, after the receipt of the second attachment order, he was given a notice in C.R.No.348/33, dated 7-8-1933 requiring him to settle his liabilities on pain of removal from service. But instead of taking immediate steps to discharge his debts he allowed two more attachment orders to be received in this office.

Mr. N. Somayazulu, the Sanitary Inspector is therefore, directed to show cause, within 3 days, why he should not be dismissed from service for his chronic indebtedness, as per provisions of the Municipal Servants Conduct Rules.

(Sd) M.Srinivasa Rao,
Commissioner.

To
Mr. N. Somayazulu, Sanitary Inspector, through the Municipal Health Officer.

(True Copy-Forwarded)
B.O.

(Sd)H. Narasaraju,
21-3-35.
Manager, M.C.

(True Copy)

Encl II

Cr.128/33.

To

The Commissioner,

Municipal Council,

Hospet.

Trhough

The Municipal Health Officer,

Hospet.

Sir,

With reference to your C.R. No 128/33 dated 21-3-35 I beg to submit my explanation as follows:-

It is true that there are four attachents to my credit, but the debt incurred in respect of all of them was incurred prior to ~~25~~ 25-4-1932 and I am not responsible for any of them as none of them were incurred by me. The truth is that the debt was incurred by my deceased brother. As we are all the members of the undivided and joint family I have been made liable. The judgment creditors have taken advantage of attaching my pay because, they thought it best to realise their dues through me being the next reversioner. It is true I was served with a notice in your C.R.348/33 dated 7-8-1933 requiring me to clear off my dues within two years. I have been negotiating with my creditors and I have resolved to go on leave to settle the matter amicably and to redeem all my debts, as I have been unfortunately involved in them. I am separately applying for leave with the object of discharging my debts before the expir. of two year's time allowed to me. I beg to request that the action started against me for the nondicharge of my debts may be dropped for the present and I may be given time so that I may proceed to my place and settle the affairs amicably. I am mindful of the Municipal Servants' Conduct Rules and I shall see they are not breached within the period allowed to me. I could not do so earlier because of the financial stringency and falling market prices of I could not realise decent prices for my lands and my brother is hesitating to part with them on account of the depression that is prevalent in these days. Anyhow I shall go to my

P.T.O.

my native place and see that the matter is squared up at an early date.

I beg to remain,

Sir,

Your most obedient Servant,

(Sd) N. Somayazulu,
23-3-35.
Sanitary Inspector.

(True Copy)

11/

Encl III

To

C.R.128/33.

The Commissioner,

Hospet Municipality.

Through

The Municipal Health Officer,

Hospet.

Sir,

As I want to go to my native place to settle my private affairs and the impending court attachments I beg to request that I may be granted leave on avarage pay for 2 months from the date of relief, preferably with effect from 1-4-35. As the matter is urgent I request that early arrangements may kindly be made for my relief.

(Sd) N.Somayazulu,
23-3-35
Sanitary Inspecto.

(True Copy)

C.R.128/33. 12

Encl IV

To

The Commissioner,

Hospet Municipality, Hospet.

Through

The Municipal Health Officer,

Hospet.

Sir,

Ref:- Your office Memo dated 128/33, dated 21-3-35.
2) and the attachments subsequently got noted by me yesterday in your office.

In continuation of my explanation already submitted to the reference No.1 and in explanation of the reference No.2 mentioned above I submit as follows.

1) I have got one month appeal time for the attachments noted yesterday and I intend moving the court to set aside the attachment orders on the legal grounds and soon after the petitions are filed in the court, copies of the same will be submitted to your office for favour of your perasal and information.

2) I herewith enclose and submit my joint brother's acceptance of liability of the debts and attachments standing in my name.

3) In fact no debt has been incurred by me even for joint family management after 1928 and for proof I pray that you will be pleased to address and get the original files from the concerned civil court or grant me time to apply and obtain copies for all the proceedings

4) To prove that the debts are not in excess of the apprximate cost of the lands which the joint family holders I am to-day applying to the Sub-registrar for a copy of schedule of property mentioned in the registered partition deed of the family with my paternal uncle and the debts also have not increased beyond the amounts mentioned in the partition deed.

5) All debts incurred and attachments received pertain to a period prior to my entering municipal service and the council adopt

13

adopting the conduct rules.

6) Within a short period I am producing letters of my deceased brother (died in 1930) to show what expenses myself and our property incurred on his account.

7) On 23-3-35 I applied for leave from 1-4-35 to enable me to proceed to my native place to take such legal steps as to get the attachments cancelled and I could have shown some progress by this time.

8) Lastly I beg to state that my service at a distance of 500 miles from the native place and one of my brothers not agreeing with me regarding the prices we get for the lands to be disposed of, are the circumstances and conditions over which I had no control and which delayed the settlement upto now and what more proof you will be pleased to call for will be submitted on intimation.

9) To enable me to produce documents and copies mentioned above with the least possible delay and to file appeal in the subsequent attachments I have to go to my native district and I submit my casual leave application seperately.

(Sd). N. Somayazulu,
9-4-35.
Sanitary Inspector.

(True Copy)

14/

Exhibit V

To

The Commissioner,

Hospet Municipal Council,

Hospet.

Petition of N. Suryanarayana Murty, brother of N. Somayazul
Sanitary Inspector.

Sir,

In connection with the memo issued to my brother in your office C.R. 128/33 dated 21-3-35 and further attachments, I have to submit as follows.

We are three brothers the Sanitary Inspector being the eldest and we belong to the Joint Family with lands and houses and other property and debts standing jointly, and the eldest has been maintaining and managing the family and its joint property. To enable him to clear off the debts and attachments standing in his name I am giving him to-morrow a general power of attorney on my behalf and I accept liability under all the several heads he is due to the public.

If you so direct I will record the same statement in your presence.

(Sd) N. SuryanarayanaMurty,
9-4-35.

(True Copy)

15 Encl 6'

C. R. 128/33.

To

The Commissioner,

Hospet Municipality.

Through

The Municipal Health Officer,

Hospet.

Sir,

In continuation of the casual leave application of yeaterday I beg to request that I may be granted ~~xx~~ 6 months leave on loss of pay from the date you may be pleased to relieve me as I want to settle all the civil court affairs in my native district and I agree to claim no leave allowances for this period.

(Sd) N. Somayazulu,
10-4-35.
Sanitary Inspector.

(True Copy)

Ref.C.R.No. 128/35.

Hospet Municipal Office,
Dated 10th April 1935.

Memorandum.

Mr. N. Somayazulu, Sanitary Inspector is directed to attend at a judicial enquiry to be held by the undersigned in the Municipal Office on 10-4-1935 at 4 P.M., in connection with the charge pending against him as per this office Ref.C.R. 128/35, dated 21-3-1935 and his reply dated 23-3-1935.

(Sd) W. Srinivasa Rao,
Commissioner.

To
Mr. N. Somayazulu, Sanitary Inspector, through the Municipal Health Officer.

(True Copy-Forwarded)
B.O.

(Sd) H. NarasaRaju,
10-4-1935.
Manager, M.C.

Forwarded

(Sd) C. V. Vaidyanathan,
10/4.

(True Copy)

Received at 2.20 PM.
Sd/ N. Somayazulu
10 4 35

17

Encl VIII

C.R.128/33.

To

The Commissioner,

Hospet Municipality.

Through

The Municipal Health Officer,

Hospet.

Sir,

Your office memo C.R. No. 128/33, dated 10-4-35.

I beg to submit that in connection with P.R. 2.3/35 I have work in the regular court and if the case is finished by that time I will attend the office as directed by you. If you want me to give up the case I will do so.

I beg to remain, Sir,

Your most obedient servant,

(Sd) N. S. Yazulu,
2.35 P.M. 10-4-35.
Sanitary Inspector.

(True Copy)

18/

Encl IX

To

The Commissioner,

Hospet Municipality.

Through

The Municipal Health Cfficer,

Hospet.

Sir,

In connection with Cr.128/33 and my explanation there on and the statement recorded by you I submit and file here with 3 letters as mentioned below.

1) Letter dated 30-9-29 from Peddapuram from deceased brother asking for money inspite of his being employed in the Settlement party.

2) Letter from my another brother dated 19-2-31 stating about joint debts.

3) Another letter dated 29-1-31 from the same brother complaing of the low price of lands and produce and also asking me to send money.

I am now searching old records and will submit some more.

(Sd) N. S. Yazulu,
11-4-35.
Sanitary Inspector.

(True Copy)

C.R. 128/35. 18 a

To

The Commissioner,

Hospet Municipality. Encl X

Through T

The Municipal Health Officer,

Hospet.

Sir,

I beg to bring to your kind notice that I have to go to my native place to get some documents & to file some documents as exhibits in the enquiry against me. I have also to file two appeals in the Cocanada subcourt and Rozole Dt. Munisiff Courts No endorsement ~~orny had been received~~ iddurf on my previous leave applications. The courts will be closed on 22-4-35, and pray for early relief lest my appeals become time-barred.

(Sd) N. Somayazulu,
15-4-35.
Sanitary Inspector.

Submitted to Commissioner for orders.

C. V. Vaidyanathan,
15/4. HO

M.H.O.

I have passed orders dismissing him from service.

Please relieve him at onee.

(Sd) W.S.R.
15-4-35.
Commissioner

(True Copy)

19 Encl

PROCEEDINGS OF THE COMMISSIONER MUNICIPAL COUNCIL, HOSPET.

M. R. Ry. V. Srinivasa Rao Garu, Commissioner,

Municipal Council, Hospet.

D. Dis. No. 178/35, dated 12th April 1935.

Short Title:- Punishment - Breach of conduct rules - Mr. N. Somayazulu Sanitary Inspector, Municipal Council, Hospet - Dismissal from service for chronic indebtedness.

Read:- 1) This office Memorandum Ref.C.R.No. 128/33, dated 21-3-1935 calling on Mr. N. Somayazulu, Sanitary Inspector, Municipal Council, Hospet, to show cause why he should not be dismissed from service for contracting debts beyond his means.

2) The explanation of Mr. N. Somayazulu, dated 23-3-1935, 9-4-1935 and 11-4-1935.

3) His application for leave on average pay dated 23-3-35, his application dated 9-4-1935 for casual leave and another dated 10-4-1935 for leave on loss of pay for 6 months.

4) Petition dated 9-4-1935 from N. Suryanarayana, the younger brother of Mr. N. Somayazulu.

5) Explanation of Mr. N. Somayazulu given in person on 10-4-1935.

6) This office D.Dis. 642/33, dated 24-9-33 containing the warning memorandum C.R. No. 348/33, dated 7-8-33 to Mr. N. Somayazulu.

7) R. Dis. 167/32, dated 14-9-1932regarding the Municipal Servants Conduct Rules.

O R D E R

Mr. N. Somayazulu is the permanent Sanitary Inspector of this Municipality. He contracted large debts beyond his means, which under ordinary circumstances could not be repaid within a period of 2 years. A sum of Rs.10/- is being continuously recovered every month from his salary since April 1933 towards the satisfaction of the decree amount of Rs.583-3-2 in S.C. No. 477/32 on the file of the Subordinate Judge, Cocanada. While this attachment was still pending clearance the following three more attachment orders were received:-

1) S.C. No. 531/29 on the file of the District Munsiff, Cocanada for	Rs.	388	0	11
2) S.C. No. 473/30 on the file of the Sub Judge, Rahamundry for	Rs.	147	13	2
3) S.C. No. 626/33 on the file of the District Munsiff, Rajole for	Rs.	111	3	6
Total	Rs.	647	1	7
Add amont of the previous attachment in S.C. No. 477/32. Total	Rs.	583	3	2
	Rs.	1230	4	9

2) Rule 9 of the model Regulations relating to the personal conduct of officers and servants of Municipal Councils, recommended by the Government in their Order No. 1458, L.& M., dated 25-4-1932, and adopted by the Municipal Council in Resolution No. 228, dated 31-8-1932 lays down that when a moiety of the salary of an officer is attached for a sum, which under ordinary circumstances cannot be repaid within a period of 2 years, he will be considered liable for dismissal. After the receipt of the 2nd attachment order he was given a notice in C.R.No. 348/33, dated 7-8-1933 requiring him to settle his liabilities on pain of removal from service. But instead of taking immediate steps to discharge his debts, he allowed two more attachment orders to be received in this office. Finding that he did not take any steps to clear his debts for a pretty long time of 23 months, he was called upon to expalin in this office reference C.R. No. 128/33, dated 21/3/1935 as to why he should not be dismissed from service for breach of Municipal Servants Conduct Rules.

3) In his explanation dated 23-3-1935 he defends that the debts were incurred by his deceased brother, that he was not responsible for any of them, but that he was made liable as himself and his brothers were undivided members of a joint family and that he would be able to clear off the dues within the period of 2 years, alleged to have been granted to him in C.R. No. 348/33, dated 7-8-1933. His last statement, that he was given time for 2 years, is a lie. He was nowhere given ~~2x~~ 2 years time. In the above C.R.No. 348/33, dated 7-8-33, he was only given to understand that his liability was such, that it could not be discharged under ordinary circumstances within a period of 2 years and that should, therefore, clear off his debts as early as possible, leat it should affect his position as such in service, as per provisions of the Municipal Servants' Conduct Rules. In a personal enquiry held by the undersigned on 10-4-1935, Mr. N. Somayazulu, was given an opportunity of explaining his position more ~~xxxx~~ clearly. When he was particularly asked to show where, in C.R. No. 348/33, dated 7-8-33, he was allowed a time of 2 years, as stated by him, he gave an evasive reply, stating that the said memorandum served on ~~him~~ was not with him. When the office copy of the memorandum was read out and also shown to him, he was unable to give any reply.

4) In his explanation dated 9-4-1935 and in his statement recorded on 10-4-1935 he dwells on the same point, that the debts were all joint family debts, that he was not solely responsible for any of them and that a reasonable time may be given to his to liquidate them. But a letter dated 19-2-1931 written to his by his brother Nookala Subramanyam, filed as exhibit to his explanation datted 11-4-1935, reveals that all the debts incurred were not joint family debts, but that there were among them personal debts also incurred by Mr. N. Somayazulu. The letter further disclosed that in addition to the debts decreed against him, there were some more debts likely to become time-barred and about to be sued in the Civil Court, that there was lot of troublt from the creditors on account of those debts and that there was much hub-bub on account of joint debts.

5) His explanation is far from satisfactory. It does not satisfy Rule 9 (4) of the Conduct Rules. None of the statements made by him in his explanation is supported by proofs. His request for further time is quite unreasonable. Though his creditors have been suing him and obtaining decrees against him since 1929, he has not made any attempt to clear off even a single debt. The warning memorandum was issued to him in this office C.R. No. 348/33, dated 7-8-33 He had at his disposal ample time for more than one year and eight minths and be ought to have made the best use of it. He cannot now complain that he was not given sufficient time. On the other hand he must thank his stars for having been allowed to continue in service so long.

6) The situation has been aggravated, d ring this period when the proceedings against him are in progress (ie., from 21-3-1935), by the receipt of a fresh attachement order for a huge sum of Rs. 724-11-5 in S.C. No. 409/31, on the file of the Sub Judge, Cocanada on 8-4-1935. The total amount of his liabilities, as far as this office is aware of, comes to Rs. 1955-0-2, which at the rate of Rs. 10/- per month takes a longer period than 16 years to be liquidated completely.

7) These facts prove beyond doubt that there is very little or no chance of his liberation from this chronic indebtedness, which

which is ever on the increase. Such constant financiall pressure and mental worry, are likely to upset him completely and interfer with the efficient discharge of his duties and lead him to dishon means. I am of opi ion that a subordinate harassed on all sides b; so many financial encumbrances is not fit to be in service. I, the fore, dismiss him from service under Rule 9 of the Model Regulatio Relating to the personal Conduct of Officers and Servants issued in G.O. No. 1458, L & M., dated 25-4-1932 and adopted by the Municipal Council in resolution No. 228, dated 31-8-1932.

(Sd) W. Srinivasa Rao,
15-4-35.
COMMISSIONR, M.C.

To

Mr. N. Somayazulu, Sanitary Inspector,
Through the Municipal Health Officer, Hospet.
Copy to the Municipal Health Officer , he should make arrange ments to relieve him.
Copy to the Director of Public Health, Madraa.
Copy to the accounts Branch.

(True Copy)

23

Encl XII

Cocanada,

Dated 23-4-35.

Bh. Sivayyasaatry, B.A., B.L.,

Vakil,

To

The Commissioner,

Hospet Municipality, Hospet.

Sir,

S.C. 409/31 on the file of the Sub-court Cocanada.

The decree in the above suit is being executed by me on behalf of my cliert Velugubantla Narayya by way of attachment of the Salary of the judgement debtor Mr. N. Somayazulu, Sanitary Inspector. As he promised to adjust the decree amicably with the decree-holder the present execution proceedings will be dropped. As the sub-court is now closed for Summer recess the attachment will be with drawn after the court reopens and the attachment ceases.

I have the honour to be sir,

Yours faithfully,

(Sd) Bh. Sivayyasastry.

(True Copy)

24

Encl 4

Cocanada,

Dated 23-4-35.

Bh. Sivayyasastry, B.A., B.L.,

Vakil.

To

The Commissioner,

Hospet Municipality, Hospet.

Sir,

S.C.531/29 on the file of the D.M.C.Cocanada.

The decree that I have been executing on behalf of my client Mukala Ramachandram on the file of the District Munsiff, Cocanada by way of attachment of the salary of the judgement debtor Mr. N. Somayazulu, Sanitary Inspector is for the time being kept in abayance, as he promised to adjust the matter and so I am filing a memo into court that the attachment proceedings are now dropped. As it is very likely that he would adjust the matter amicably with the decree holder. I am not for the present continuing the execution proceedings The attachment will be withdrawn.

I have the honour to be Sir,

Yours faithfully,

(Sd) Bh. Sivayyasastry.

(True Copy)

25

Exel XIV

Cocanada,

Dated 23-4-35.

A. Kameswara Rao, B.A.,

First Grade Pleader.

No.105.

To

The Commissioner,

Hospet Municipality,

Sir,

Ref:- C.R.No.128/33, dated 21-5-1935.

I have the honour to state that I have been executing a decree S.C.No.477/32 on the file of the Subordinate Judge, Cocanada on Mr. Nookala Somayazulu who is serving as a sanitary Inspector in your municipality by attaching his pay. The decree is partly satisfied. I do not now propose to proceed against his as he made some other proposal for the payment of the balance of decree-debt.

The Court is now closed for the summer recess and I could not therefore intimate the fact through court.

I have the honour to be sir,

Yours obediently,

(Sd) A. Kameswara Rao,
23-4-35.

Pleader for decree holder.

(True Copy)

Dr. C. L. NarasimhaRao, L.M.P.,
Physician & Surgeon.

Kandapet,
Date 30-4-1935.

To

The Commissioner,

Hospet Municipality, Hospet.

Sir,

I obtained a decree in S.C. No. 473/30 on the file of the Sub-Court, Rajahmundry, against Mr. P. Somayazulu, who is now working as Sanitary Inspector in your municipality. In execution of the said decree I applied to the Sub Court of Rajahmundry for the attachment of his salary by means of a prohibitary order. The attachment is till pending whilst Mr. Somayazulu came to me and we arrived at an understanding regarding the payment of the said decree and I do not propose to take for the proceedings in persuance of the decree for the present and I will file a memo into the Sub Court of Rajahmundry after the reope ing date stating that I would not press the E.P. for the present and that the attachment may be withdrawn. As the court is now closed I could not do the same.

Kandapeta,
30-4-35.

Yours obediently,

(Sd) C. L. Narasimhakao.

(True Copy)

APPENDIX IX.2 Cont 46.

Model regulations relating to the personal conduct of officers and servants of Municipal Councils.

Insolvancy and habitual Indebtedness.

1. When an officer or servant of a municipal council is adjudged or declared an insolvant or when a moiety of the salary of such officer or servant is constantly being attached, has been continueously under attachment for a period exceeding two years or is attached for a sum which in ordinary circumstances cannot be repaid within a period of two years he will be considered liable for dismissal.

2. When such officer or servant is not liable for dismissal other wise than by or with the sanction of the municipal council, the matter must, if he is declared insolvant and may if a moiety of the salary attached be reported to the municipal council pending the receipt of whose orders he should be suspended from the service.

3. When a moiety of the salary of an officer or servant is attached the report should show what the proportion of the debts to the salary is and how far they detract from the debtor's efficiency as a municipal servant, whether the debtor's position is irretrievable and whether in the circumstances of the case it is desirable to retain him in the post occupied by him when the matter was brought to his notice or in any post under the municipal council.

4. In every case under this rule, the burden of proving that the insolvancy or indebtedness is the result of circumstances which with the exercise of ordinary deligence, the debtor could not have fore seen or over which he had no control and has not proceeded from extravagant or dissipated habits will lie upon the debtor.

Note:- 1. An officer or servant of a municipal council who intends to apply to be adjudged an insolvent under any law relating to insolvancy for the time being in force shall intimated his intention of doing so to the

the authority ~~xxxxxxx~~ which has the power to suspend such officer or servant and such authority may if he think fit suspend him from service.

2. An officer or servant of a municipal council who has been removed from service on account of insolvancy is ineligible for re-employment in any branch of the service.

Enclosure 17.

29

Fort St. George, September 8, 1932.

(G.O. No. 3600 L & M)

No. 1407,-In exercise of the powers conferred by section 70 and 72 and clause (a) ofsub-section (2) of section 199 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and in supersession of the rules published with Local Self-Government Department Notification No. 802 published at pages 433-435 of Part I-A of the Fort St.Gazette dated 25th September 1923, as subsequently amended, the Governor acting with Minister is hereby pleased to make the following rules in regard to appoint-ment and punish-ment of officers and servants of local boards:-

RULES.

1. No person shall be appointed-

(a) to be a medical officer in an allopathic institution under the administrative control of a local board -- except in consultation with

(i) the District Medical Officer, if the person is a Government medical officer whose services have been placed at the disposal of the local board under section 74 of the act; or

(ii) the Surgeon-General in other cases;

(b) to be medical officer in a non-allopathic institution under the adminstrative control of a local board except in consultation with the Principal of the Government School of Indian Medicine;

(c) to be an Assistant District Health officer, sanitary inspection or vaccinator except in consultation with the District Health Officer; and

(d) to be a draftsman, sub-overseer, overseer, Supervisor or assistant engineer except in consultation with the District Engineer.

2. Where an office or servant of a local board is found guilty of any negligence or breach of rules or orders in consequence of which pecuniary loss has been caused to the board, the President of the board may, in addition

To Enel 17.

to any punishment which may be inflicted in respect of such charge, order that the whole or a portion of the loss - ~~which~~shall be made good by such officer or servant.

3. No officer or servant of a local board who is convicted of a political ~~offence~~ offence, shall be retained in the service of the board except with the special sanction of the Local Government.

4. No order of dismissal, removal, reduction, supension not being one pending enquiry, or withholding increments of or promotion, shall be passed on an officer ~~or~~ or servant of a local board (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing ~~of the grounds~~ in writing of the grounds ~~offered~~ on which it is proposed to take -- action and has been offered an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a ~~definite~~ definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral enquiry shall be held. At that inquiry oral evigence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to corss-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish provided that the person conducting the enquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficent record of the evidence and a statement of the

31

the amount of which shall not exceed ~~xxxxxxxxxxxxxx~~ one-fourth of his salary.

6. No appeal shall lie against the orders of the president of a local board imposing the following punishments, namely:-

(a) censure,

(b) suspension pending enquiry under rule 5, or

(c) a fine not exceeding five rupees.

7.(1) An appeal shall lie against all orders of the president of a local board imposing punishments other than those referred to in rule6;

Provided that the discharge of any person in cases specified in the Explanation to rule 4 shall not be deemed to be an order imposing punishments, within the meaning of this sub-rule.

(2) An appeal under sub-rule(1) shall lie--

(a) in the case of an order passed by the president of a panchayat, to the president, taluk board;

(b) in the case of an order passed by the president of a taluk board, the president, district board; and

(c) in the case of an order passed by the president of a district board, to the Local Government.

(3) Notwithstanding anything contained in the preceding rules. the Local Government or such officer as they may empower in this behal may call for the records relating to the punishment of any officeror servant of a local board and pass such orders as may be deemed fit.

(4) All orders passed on appeal under sub-rule (2) and all orders passed under sub-rule(3) shall be given effect to the resignationof the board concerned.

8. Every officer or servant of a local board preferring an appeal shall do so separately and in his own name.

9. No appeal preferred under these rules shall ~~xxxxx~~ inter-

findings and the grounds thereof;

Provided that this rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him;

Provided also that where there is a difficulty in observing exactly the requirements of this rule, all or any of the provisions thereof may, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived with the previous sanction of the Local Government.

Explanation,- The discharge-

(i) of a person appointed on probation, during the period of probation.

(ii) of a person engaged under contract, in accordance with the terms of his contract.

(iii) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment, and

(iv) of a person, on the abolition of a post or reduction in the cadre or establishment to which he belongs, provided that the three months' notice has been given of such abolition or reduction to the person concerned and provided also that in giving effect so such abolition or reduction, the selection of personnel for discharge has beenmade in accordance with such general or special orders as the Local Government may issue in that behalf,

does not amount to removal or dismissal within the meaning of this rule.

5. The president of a local board may suspend any officer or servant of the board pending enquiry into his conduct provided that the period of suspension shall not exceed a period of three months. During the period of his suspension, such officer or servant shall be paid a subsistence allowance

entertained unless it is preferred within six months after the date on which the appellant received the order appealed against;

Provided that the appellate authority may entertain an appeal after the expiration of such period if it is satisfied that there was reasonable cause for the delay.

10. No order of punishment passed by the President of a local board shall, in the absence of any appeal preferred under these rules be cancelled or modified by the President, after the expiry of six months from the date of receipt of the order of punishment by the concerned officer or servant of the board, without the previous sanction of the Local Government.

11. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, and shall be complete in itself.

12. Every appeal shall be submitted through the head of the office, if any, to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred. A copy of the appeal may, however, be sent direct the appellate authority specified in sub-rule (2) of rule 7.

No. 1408.

In exercise of the powers conferred by sections 72 and 75 and clause (a) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) and in supersession of the rules published with Local Self-Government Department Notification No. 1619 published on pages 698-699 of Part 1-A of the Fort. St. George Gazette dated 30th October 1928, as subsequently amended, the Governor acting with Ministers is hereby pleased to make the following rules in regard to appointment and punishment of officers servants of municipal councils:-

Rules.

1. No person shall be appointed-

84

(a) to be a medical officer in an allopathic institution under the administrative control of a municipal council except in consultation with

(i) the District Medical Officer, if the person is a Government medical officer whose services have been placed at the disposal of the municipal council under section 77 of the Act; or

(ii) the Surgeon-General in other cases;

(b) to be a midical officer in a non-allopathic institution under the administrative control of a municipal council except in consultation with the Principal of the Government School of Indian Medicine.

(c) to be a sanitory inspector or vaccinator except in consultation with the Municipal Health officer of there is one or the District Health officer in other cases;

(d) to be a draughtsman, sub-overseer, overseer or Supervisor except in consultation with the Municipal Engineer; and

(e) to a post in the public works, water-works or the drainage department of a municipal council the maximum salary of which is not less than Rs.50/- except in consultation with the Sanitory Engineer to Government.

2. Where an office or servant of a municipal council is found guilty of any negligence of breach of rules or orders, in consequence of which pecuniary loss has been caused to the council the chairman may, in addition to any punishment which may be inflicted in respect of such charge, order that the whole or a portion of the loss shall be made good by such officer efor servant.

3. No officer or servant of a municipal council who is convicted of a political offence shall be retained in service except with the special sanction of the Local Government

35 Encl 18 a.

This is to certify that the three brothers Nukala Somayazulu, Subrahmanyam, and Suryanarayanamoorty have joint landed property in the village of Mummidivaram, Amalapur Taluk as specified below.

Inam Dry	S. No. 1181/4	0-42 Cents	costs Rs.200/-.	
-do-	S. No. 922/66	0-12 Cents	costs Rs.350/-.	(Housesite)
-do-	S. No. 922/29	0-09 cents	costs Rs.250/-.	-do-
A pacca big house- - - - - - - - - - - - -			costs Rs.3000/-.	
			Total Rs.3800/-.	

Village Munciff of
Mummidivaram.

24/7/35

24/7/35

Encl 18 b

This is to certify that the three brothers Nukala Somayazulu, Subrahmangam, and Suryanarayanamoorty have joint landed property in the village of Pallamkurru, Amalapur Taluk as follows.

Inam wet S. No. 345------2-06 Cents-----Costs Rs.1200/-.
-do- S. No. 418------2-06 Cents-----costs Rs.1800/-.
-do- S. No. 346/3----0-25 cents-----costs Rs.175/-.

36

21/7/35

Village Munciff
of Pallamkurru.

18C.

37

This is to certify that the three brothers Nukala Somayazulu, Subrahmanyam, and Suryanarayanamoorty have joint landed property in the village of Tillakuppa, Amalapur Taluk as follows.

Inam wet S. No. 114/1 0-98 Cents Costs Rs.600/-

Village Munciff 22/7/85
of Tillakuppa.

18D

38

This is to certify that the three brothers N. Somayazulu, N. Subrahmanyam, and N. Suryanarayanamoorty have joint landed propertyin the village of Thanealanka, Amalapur taluk, East Godavari District, as specified hereunder.

Inam dry S. No. 363/2---**0-72** cents---costs Rs.300/-.
Inam wet S. No. 363/3---0-07 cents | costs Rs.300/-.
-do- S. No. 363/6---0-50 cents |
-do- S. No. 362/2---0-88½cents---costs Rs.400/-.
-do- S. No. 362/3---0-46 cents---costsRs. 300/-.

Village Munciff
of Thanealanka Mdl. 20/7

130
600
3075
3800
8775

289

This is to certify that the three brothers Nukala Somayazulu, Subrahmanyam, and Suryanarayanamoorty have joint landed property in the village of Kottalanka, Amalapur Taluk as mentioned below.

Inam dry	S. No.159/2	1-10 cents	costs Rs.500/-.
-do-	S. No.503/1	0-22 cents	costs Rs.100/-.
-do-	S. No.503/2	0-33½ cents	costs Rs.150/-.
-do-	S. No.492/2	0-40 cents	costs Rs.200/-.
-do-	S. No.490/5	0-15 cents	costs Rs.300/-.(Housesite)
Inam wet	S. No.406/5	0-56 cents	costs Rs.300/-.

This is only an extract of profits from the Village Registers. As the V.M insisted on having authority of his superiors the below the assistance of two Brahmin persons addressed.

Now signed
and Countersigned.

×

Village Munciff
of Kottalanka.

~~H~~

LO L.S.G.(P.H.) Dept.

Subject -

Establishment – Hospet Municipality – Somarayulu, N., late Sanitary Inspector – appeal against order of dismissal.

—.

Memo. No. 43737-1 E1 P-H.
5-11-35

The Commissioner, Hospet Municipality, is requested to expedite the submission of the original appeal of — N. Somarayulu, late Sanitary Inspector, Hospet Municipality with his remarks and connected records in original.

4/11

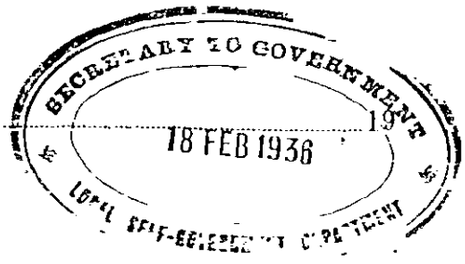
To The Commr.,
Hospet Municipality.

Dpd.

Date 6/11

C.F. 30.

Local & Municipal **DEPARTMENT.**



Received ..... 19 *Registered* 8175 19

Subject.

Establishment - Public Health - Hospet Municipality - Somayajulu N..- Ex-Sanitary Inspector appeal against the order of dismissal - Remarks submitted.

ENCLOSURES. Separate list of enclosures enclosed

Spare copies

Ref.C.R. No. 367/35.

Station Hospet., *Dated the* 4th February 1936 19

From (Name) M. R. Ry. W. Srinivasa Rao Garu,

(Designation) Commissioner, Municipal Council, Hospet.

To The Secretary to the Government of Madras,

Local Self Government Department.

Sir, Madras.

Ref:- Government memorandum No.43737-1E-1-P.H., dated 5th November 1935.

Adverting to the Government memorandum quoted above I beg to submit my remarks on the appeal petition of Mr.N.Somayajulu, Ex-Sanitary Inspector of this municipality, a copy of which has already been submitted direct to the Government by the appellant:-

2. This is a case of dismissal from service of the appellant for chronic indebtedness as per Rule 9 of the Model Regulations relating to the personal conduct of officers and servants of Municipal Councils framed and commended by the Government in their order No. 1458, L & M., dated 25th April 1932 and adopted by the council in Resolution No.228, dated 21-8-1932.

3. As regards the circumstances under which he was dismissed I beg to enclose herewith this office file D.Dis.No.178/35, dated 12th April 1935 containing the proceedings of dismissal passed by me for favour of perusal, as enclosure No.1. As regards the issues raised by the appellant I beg to defend myself as follows para by para:-

Para 3 of the appeal petition:- The statement of the appellant that his services were lent to the municipality is false. Having been 'reverted from being a Health Inspector', he was working as a first class vaccinator in the East Godavari District Board. He applied for the Sanitary Inspector's post under the Municipality and got it. He entered the service under the municipality in June 1930. Even here, he rendered his position very shaky. The Municipal Health Officer was greatly dissatisfied with his work and conduct and was persistantly recommending for his removal. When his services were about to be dispensed with by the then Chairman Dr.R.Nagan Gowda, he secured a Plague Inspector's job at Harapanahalli and went away in July 1931, severing all his connections with the municipality. His appointment there ceased on 5-2-1932. In the meanwhile, his lien on his permanent post in the East Godavari District Board was cancelled, as he never joined his appointment after the expiry of his lien period. The appellant thus lost his permanent job and was without any employment till 11-3-1932, when he was again entertained under the municipality by M.R.Ry. M.V.Swamy Garu, the then and also the present Chairman, on the specific understanding that he should quit service whenever required on 24 hours notice. So, while there was no question of lending his services at all, he was purely at the mercy of the municipality prior to his re-entertainment.

Para 4 of the appeal petition:- The appellant insinuates that the debts were not contracted by him but says that they were only "alleged to have been contracted". This contradicts his admission of his debts to the extent of Rs.1900/- in para 7 (xi) on page5 of his appeal petition.

43

Para 5 of the appeal petition:- The first thing that was done, was not to issue a memo to him on 21-3-35 to show cause why he should not be removed from service, within 3 days from the date of receipt of the memo, as stated by the appellant. As early as 7-8-1933, he was given a notice in C.R.No. 348/33, vide page 20 of D.Dis.178/33, dated 24-9-33 directing him to settle his liabilities on pain of disciplinary action as per provisions of the Municipal Servants Conduct Rules. This notice was given to him after the receipt of a second attachment order for his salary. Even after the issue of the said notice, he allowed two more attachment orders to be received in this office. It was only after finding that he did not take any steps for the clearance of his debts for a pretty long period of 26 months, from the date of receipt of the first attachment order in this office on the 13th February 1933 that he was called upon to explain as to why he should not be dismissed from service for breach of Municipal Servants Conduct Rules and not all on a sudden. This point has been completely omitted by the appellant at this stage.

Para 7 of the appeal petition:- The appellant cannot plead that he was not given any opportunity to defend himself. The warning memo was issued to him on 7-8-1933 and he had at his disposal, ample time for more than one year and eight months and it was up to him to avail himself of the opportunity. Between the date of issue of the memo directing him to explain, within three days from the date of receipt of the memo, as to why he should not be dismissed from service and the actual date of dismissal there was an interval of 22 days. As per provisions of the rules for the appointment and punishments of municipal servants he was also given the benefit of an oral hearing. His plea that, that he was not given any opportunity to defend himself is, therefore, not borne by facts.

ii) The point here is not whether he has got sufficient property but whether he was able to liquidate the debts within the period of 23 months allowed to him from the date of receipt of his first attachment order. Further, much weight cannot be given to the mere copies of Village Officer's certificates produced by him after he was dismissed from service.

23 44

iii) There is no rule in the Model Regulations relating to the personal conduct of municipal servants to the effect that definite time should be given under such circumstances. But still he was given time from 7-8-33 to 21-3-35 and even till the date of his dismissal. It is not the ability of the appellant to liquidate the debts but the actual liquidation that counts in his favour, which he never did.

iv) Time and oftem the appellant puts forth the same plea that he was not given any opportunity to prove that the indebtedness was the result of circumstances which he could not have foreseen or over which he had no control and has not proceeded from extravagance. No-body stood in his way of proving this during the long period he was allowed; nor has he proved this in the present appeal at least, submitted to the Government. Clause 4 of Rule 9 to the Model Regulations specifically lays down that the burden of proof lies upon the debtor. His admission in this para of his indebtedness may be compared to his denial of the existence of debts in para 4 of his appeal petition.

v) The appellant is of opinion that an indebted employee is liable for dismissal only when the pay is under attachment for more than 2 years, but clause (1) of Rule 9 clearly says that even if the amount of attachment is xx such that it cannot, under ordinary circumstances, be repaid within a period of two years he will be considered liable for dismissal. Even if a servant is dismissed immediately on receipt of such an attachment order for any huge sum beyond the possibility of his liquidating the same xx within 2 years it would be only in accordance with rules. But in the case of the appellant the Municipal Authorties did not act in such a xxxxxxxxx peremptory and precipitate manner. The first attachment order S.C.No.477/32 on the file of the Subordinate Judge, Cocanada was received in this office on the 13th February 1933. The warning memo was issued to him on 7-8-33. The dismissal order was passed on 12-4-1935 and he was actually relieved on 16-4-1935. He was allowed more than 20 months' time from the date of issue of the warning memo and in all more than 2 years and 2 months from the date of receipt of the 1st attachment order till the date of his

his actual relief before he could be dismissed. His pay was under attachment for complete 24 months as shown below:-

Period during which the salary was under attachment.	No of months.	Actual amount recovered
April 1933 till the end of March 1935.	24	240.

The period of 23 months referred to in my dismissal proceedings D.Dis.178/35, dated 12-4-1935 is a clerical error for 24 months. The mistake is very much regretted. Charges were framed for the dismissal of the appellant only after the expiry of 2 years.

He makes it a great point that all the debts were incurred only prior to the adoption of the Model Regulations by the municipality and that none of them was incurred in the Hospet Municipality!

vi) Having neglected the matter for more than 2 years without either taking any action to settle his affairs or without being able to do so in spite of a warning notice, his applying for leave particularly when he was called upon to explain why disciplinary action should not be taken against him for breach of conduct rules was a mere pretext to avert the impending danger and to gain temporary relief. He had been to his native place in the month of December 1934 during Chirstmas Holidays to settle his affairs but he was not able to make any settlement. This could have been certainly possible if his property was really worth Rs.10,000/- according to his statement, especially when his appointment and status were at stake and when he was definitely made to understand so by the authorities. When he was quite x unable to raise or settle even one out of the several attachments received against him for such a long period it is beyond conviction that he could have cleared his debts within any short period even if he were granted leave, apart from the fact that no one could expect any kind of leave while a punishment roll was pending against him. My conviction was strengthened when the situation came to a climax by the receipt of a fresh attachment order . fifth in number, for

46

for a huge sum of Rs.724-11-5 from the Court of the Subordinate Judge, Cocanada during the period of the proceedings against him were in progress vide page 79 of D.Dis.178/35. This greatly discouraged me from granting him any kind of leave or concession.

vii) As long as the attachment orders were received in his name, not being in the joint names of his family members and in the absence of any documentary evidence to prove that the debts were not his own he was directly responsible for them and personally answerable to the authorities. In this connection I beg to bring to the kind notice of the Government, a striking instance of his mischievous tendency. In order to prove that the debts were all joint family debts, he filed as an exibit to his explanation dated 11-4-1935, a letter dated 19-2-1931, written to him by his brother Nookala Subramanyam by pasting two slips of paper on both the sides to those portions of the letter which revealed that all the debts incurred, were not joint family debts but that there were among them, personal debts also, incurred by Mr. Somayajulu. But, as the slips were very lightly pasted they fell off subsequently and exposed just what he wanted to conceal, vide pages 103 and 104 of D.Dis.178/35. That particular portion of the letter showed that, in addition to the debts decreed against him, there were some more debts likely to become timebarred, about to be sued, that " there was lot of trouble from the creditors on account of those debts and that there was much hub-bub on account of joint family debts."

viii) That he had to conduct a case in the court on the day when the judicial enquiry was posted is no excuse. Court attendance is a part of his official duties and if he attended the judicial enquiry after he finished his court work, there is nothing extra-ordinary in it. Moreover the judicial enquiry was not conducted against his will; nor did he ask for any adjournment which he could have got without any difficulty.

ix) I have observed rules of procedure in conducting the enquiry and in my further dealings with him to the minutest detail possible. That he was not given any opportunity for defence, is an oft-repeated plea of the appellant which needs no further remarks from me.

x) He himself admits in sub para xi of para 7 of his appeal petition that his outstanding liabilities amounts to Rs.1900/- (the actual amount as per my calculation being Rs.1955/-, vide enclosure 2). My statement that it would take a longer period than 16 years for him to discharge all his debts at the rate of Rs.10/- per month cannot, therefore, be a hypothetical construction. The appellant seems to be under a terrible delusion that he would not be liable for disciplinary action until a period of two years expires from the date of the receipt of the first attachment order. Even according to his own contention, he was actually allowed time for more than 2 years. His statement that he was dismissed before the expiry of 2 years from the date of receipt of the first attachment order is a lie, please vide my remarks to sub para(v) of para 7 of the appeal petition.

xi) Except in one case S.C.531 of 1929 on the file of the District Munsiff's Court, Cocanada, for a sum of Rs.388-0-11, (vide page 137 of D.Dis.178/12-4-35.) no order from any other court raising any of the attachments has been received in this office till to-day. Even if all the attachments were to be raised after the dismissal there is no provision in the rules for reinstatement. Besides, it is usual for all the decree holders to raise the attachments after the dismissal of debtors, as no benefit would be derived even if they are not raised, whereas if the debtor is in service they could hope to get something at least.

The appellant says that he got the attachments raised. But the debts are not liquidated. Please see enclosure 13, 14, & 15 filed with the appeal petition. I may be permitted to state that as long as the decree is there, there exists the mental worry and anxiety and the decree may be executed at any time. Raising of an attachment is only a temporary and not a permanent relief. The cause of action on which his services were dispensed with did not therefore, cease even after his removal from service.

The statement of the appellant that the total of the amounts

under attachment is not clearly worked out is not based on f[illegible]cts. The total amount shown by me in the proceedings works up to Rs.1955/-, which I have arrived at by an accurate calculation of the amounts enumerated in the attachment orders got through courts. A statement of the attachment orders received in this office is herewith submitted as enclosure No.2 for favour of perusal. Even according to his own statement the total amount of debts comes to Rs.1900/-. That the Municipal Health Officer did not make any remarks about his work or conduct is a desperate challenge. Though I did not like to give prominence to any other charge except the one under reference, the appellant has driven me to the necessity of giving an insight into his work and conduct

His leaving service in the East Godavari District Board itself appears to be due to certain troubles he was involved there. This was disclosed by the receipt of a long list of charges against the appellant immediately after his taking charge under this municipality from the District Health Officer, East Godavari as per his P.C.No.774/D.H.O. of 1929 dated 1st May 1930 is herewith submitted for favour of perusal as enclosure No.3.

As already stated the Municipal Health Officer used to write very badly about his work and conduct, recommending his removal. Even the confirmation of the appellant was done by the Chairman M.R.Ry. M.V.Swamy Garu against the stout oppositions, put up by the Health Officer. I have enclosed a few extracts from the remarks of the Municipal Health Officer about the appellant, vide enclosure No.4 a,b,&c. But on account of the leniency of the Chairman which always came to his rescue, the recommendations of the Health Officer were generally defeated.

While the Health Officer was thus depreciating his merits the Chairman once took up his cause and wrote in terms of high appreciation about the work and conduct of the appellant to the Director of Public Instruction requesting him to take Mr.Somayajulu to the provincial cadre and to confer on him the post of a Health Inspector. The Director replied in the following terms " You probably do not know the full case of Mr.Somayajulu,N., your Sanitary Inspector. xx x x x x x I,am not in a position to

to do anything personally for this particular gentleman." His D.O. letter is herewith submitted as enclosure No.5.

Even during the short experience I had with him I used to hear a lot of complaints against him about his corruption and loose morals. But both these things being hard of proof, I did not generally take cognisance of such reports. Further, the ignorance and the illiteracy of the masses not only helped his activities but rendered detection and proof difficult yet, just before his removal I had to record a case against him in which the appellant collected from one S.Venkatramanaxx Setty, licence fees for a second time, for the year 1934-35 without giving a receipt. The appellant when called upon to give his statement as to what he had to say, ~~he~~ bluntly refused to give any statement. When I asked him to say it in writing he replied that he would give an explanation the next day. In his explanation given after a days' careful consideration he unconsiously admitted his guilt. The statements of the party and the Municipal Ward Peons and the explanation of the appellant may kindly be perused (vide page Nos.125 to 132 of D.Dis.178/35, dated 12-4-1935). But I did not include this as a charge against him in x my proceedings of dismissal as I did not like to deviate from the main charge ie., his chronic indebtedness.

Vide Ml.fle (A) below

The range of his activities extended to even local election politics. During the last general Municipal Elections, at the time of receiving nomination papers he had the audacity to stand as a proposer to one of the prospective candidates. Nothing can be more serious in service than this for any employee. It would have even cost his appointment then only. But the same leniency of the Chairman, which shielded him on several previous occasions, stood in good stead and let him off with a warning vide D.Dis.454 dated 18-9-34 herewith submitted as ~~ex~~ enclosure No.6 for favour of perusal. The constant pressure on account of too many debts, combined with their fateful consequencies cannot but turn a man desperate in his actions and unscrupulous in principles. But, apart from the considerations of his work and character to which

I have no where made any reference in my proceedings and to which I would not have made these present references but for the appellant's self seeking, my action in removing him from service on the solitary charge of his habitual indebtedness is in accordance with rules.

On a previous occasion when Mr.T.V.Sundaresa Sastri, B.A.,L.T. Ex-History Assistant of the Municipal High School, Hospet was removed from service by the Chairman for indebtedness, he was reinstated by the Government in their order No.3475, L&M., Ms., Dated 31-8-193: on the reasonable ground that the Government Servants' Conduct Rules under which he was dismissed were not adopted by the council. But now even this condition is satisfied.

The statement of the appellant that the whole action culminated in the dismissal of the appellant in the course of three days wihin which the proceedings were started is a deliberate lie. He was allowed 22 days time from the date of issue of the memo Pp 63-64 (A) Ref.C.R.No.128/33, dated 21-3-35 till the date of his dismissal (12-4-35), and 20 months from the date of issue of the warning memo p.207 (A) Ref.C.R.No.348/33, dated 7-8-33. He had in all 2 years and 2 months time from the date of receipt of the 1st attachment order in this office on 13-2-33 till the date of his actual dismissal on 12-4-35, please vide my remarks to sub para (v) of para 7 of the appeal petition.

Para 8 of the appeal petition:- This para is a mere repetition of the contents mentioned in the previous ones already answered by me.

8.2.36
Commissioner, M.C.

8.2.36

~~2500~~ 51

List of enclosures submitted.

1. D.Dis.No. 178/35, dated 12th April 1935 containing the proceedings of dismissal, 138 pages.

2. A statement of attachment orders received in this office.

3. P.C.No. 774 D.H.O. of 1929 dated 1st May 1930 from the District Health Officer East Godavari to the President, Taluk Board Ramachandrapur containing the list of charges against Mr.N.Somayajulu.

4. (a) Copy of remarks of the Municipal Health Officer dated 27-5-32.about the work and conduct of Mr.N.Somayajulu.
   (b) Copy of remarks of the Municipal Health Officer dated 30-7-32.
   (c) Copy of letter H.C.R.No.242/33, dated 10-7-1933 from the Municipal Health Officer.

5. Copy of D.O.Letter dated 14-10-32 from Major J.R.D.Webb, O.B.E I.M.S., Director of Public Health.

6. D.Dis.454/34, dated 18-9-34 containing correspondence relating to the warning given to Mr.N.Somayajulu for interference in local Election politics. (4 pages.)

8.2.36

Commissioner, M.C.

Hospet Municipal Office,

4th February 1936.

7.2.36

52/
L.S.G(P.H)Dept

Cno 8175 from N. Somayazulu Ex-Sanitary
Inspector Hospet
Municipality 9/12.X.35
to Comm'r, Hospet municipality
R.C.N. No 367/35 of 4.2.36

Subject

Establishment - Hospet Municipality
Appeal petition of N. Somayazulu
ex-Sanitary Inspector -

Please relates to the
appeal petition of one N Somayazulu
ex-Sanitary Inspector, Hospet
Municipality against the
proceedings of the Comm'r of the
municipality 9/12.X.35 dismissing him
from service on the ground of
Chronic indebtedness. The
appellant submits that he was
not given sufficient time and
opportunity to settle his affairs
~~and to~~ with the creditors and
also ~~to~~ to defend himself
properly by adducing oral or
documentary evidence at the

4 23/

oral enquiry He also states that the orders of the Commissioner are based on one sided enquiry and that he has means to discharge the debts to his creditors.

2/ The Commissioner reports that the appellant was given ample time to discharge his debts, that the pay of the appellant was under attachment for 24 months and that ~~when~~ he was quite unable to raise or settle down even one out of the several attachments received against him for over ~~one~~ two years from the date (7.8.33) when a warning was issued to him. He also adds that even otherwise the work of the appellant was most unsatisfactory. ~~If~~ Under regulation 9 of the regulations in the 1458 Extra of 25th. If a servant is adjudged or declared insolvent or if his pay is under attachment for over two years or is attached for a sum which in ordinary circumstances, can not be repaid within a period of two years, he will be considered liable to dismissal. These ~~Regulations~~ Regulations have been adopted by the Hospet ~~mu~~ cl. ~~Board~~ It is open to the

-pp 20 - 29 of

appointing authority to retain any misdemeanour or any servant in service. of habitual indebtedness. ~~If so~~ But in the present case the Executive authority concerned ~~has~~ not ~~satisfied~~ prepared to retain the appellant in service and has dismissed him from service in accordance with the rules. Further it is stated that the work of the appellant is also unsatisfactory. ~~In the circumstances the appeal may be dismissed. A draft order is submitted for approval~~

vide also Chairman's remarks p. 20 cf

AN 29/4

3. The appellant can have no complaint against the Commn as regards the procedure followed by them though he knew within which he was asked to point in his written defence (in 3 days) memorandum has been a bit longer. He was also given the benefit of an oral hearing as required under the rule

Ann 2 cf.

p 43 cf.

5th

4

4. One of the grounds of the appellant's claim is that he belongs to a joint family, and that he is not responsible for the debts incurred on the joint properties. The family is a Mitakshara family. He was the eldest member of the family and the properties were under his management. So long as he was managing the properties he cannot disclaim any responsibility in the matter. 5. Another Contention of the appellant is that the joint properties were worth about Rs 10000 while the debts in all amounted to less than Rs 2000 and that he could have copies of the debts but he was given a definite time to do so. The fourth is, as stated by the Commr, not whether the appellant could repay the debts but whether he did repay the debts even though he was definitely warned to do so as early as 7.8.33. The 1st order

X on p. back.

A on pp 5-11 & 6 cf

to the cf

~~55~~ 56

of attachment against his pay was received in the Civil Office on 13. 2. 1933 and the warrant was issued on 7. 8. 1933. He was actually demitted from service on 16th Nov. 1931. Thus he has had ample time for more than 2 years to liquidate his debts but he has not done it. Even now it appears that he has succeeded only in getting the attachments raised and not in liquidating the debts. His pay as Sanitary Inspector was Rs 150 and the maximum that could be attached was Rs 30. This fourth of his salary was continually under attachment from April 1933 to the end of November 1934 i.e. for a period of 2 years.

p47 Cf

p5 of (M)

p45 Cf.

The debts according to his own admission were well nigh Rs 2000 and his own amount which can, in the ordinary circumstances, be cleared within a period of two years by means of an attachment of Rs 10 per ~~hundred~~ of his salary. The appellant

p5 Cf

57 / 6 /

s keepers liable for dismissal
in accordance with his regulations p27 q
framed by the Council. The
Council has chosen to
dismiss him and his term reads with
~~Canada~~ in respect in the matter.
6. The appellant's Counsel
& merits are also heavily reported
on things his remedies does not
lie within the scope of his
present appeal. all things
Considered, the Court may
decline to interfere and
dismiss his appeal.
A respondent's Rules.

16-3-26.

47 / 2/3/37

58

G.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		2/3/37
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Establishment- Hospet Municipality- N. Somayajulu- Ex-Sanitary Inspector. Appeal petition Dismissed

READ AGAIN _____, dated _____ 19 _____

" " _____ " _____ 19 _____

READ *ALSO*:—

No. 2175 From the N. Somayajulu, Ex-Sanitary Inspector, Hospet Municipality, No. _____, dated 9/12-X-35 19 _____

" _____ " _____ " _____ " _____ 19 _____

" _____ " _____ "Comm'r" "Hospet Municipality" R C No 367/35 19 _____

Order / Resolution — Ms. / Rout. No. 904, dated 21 — 3 — 1936.

Dp 20/3

The appeal petition of N. Somayajulu, Ex-Sanitary Inspector, Hospet municipality against the proceedings of the Comm'r. No. D. Dis No. 128/35 of 12-1-35, dated is dismissed

AV
29/2
L
Ces
16-3-36.

D[illegible] with enclo Vun regd. 9[illegible]

Kan

25-3-1936

(IV)

To the appellant
thro' the Comm'r
Hospet. ~~Hospet~~ Municipality
thro' the DHO

" Comm'r, ~~Hospet~~ Hospet.
Municipality
thro' the DHO
with the records
(II)

1/4
1/8/3